

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 861 - SB 789

February 24, 2021

SUMMARY OF BILL: Changes, from “periodic, not to exceed biennial,” to “biennial”, the required frequency that school facilities constructed prior to January 1, 1998 must test lead levels in their water sources.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 49-2-133 requires drinking water in public schools constructed before January 1, 1998 be tested for lead contamination on a periodic, not to exceed biennial, basis, with remediation requirements if the lead level is greater than 20 parts per billion (ppb). Public Chapter 977, which established Tenn. Code Ann. § 49-2-133, was signed into law in 2018. The fiscal memorandum estimated the costs associated with testing for lead contamination in public school drinking water sources as an increase in state expenditures of \$3,200 in FY19-20 and subsequent years and a mandatory increase in local expenditures of \$128,800 in FY18-19 and subsequent years.
- The Tennessee Department of Environment and Conservation (TDEC) administers the Federal Water Infrastructure Improvements for the Nation (WIIN) grant which provides funding for the testing of drinking water at schools and childcare facilities for lead contamination.
- The WIIN grant period is currently from October 1, 2019 to September 30, 2023.
- TDEC has received \$697,000 in WIIN grant funds to date, spent \$3,400, and has applied for a second grant in the amount of \$332,000. For any unspent funds within a grant period, TDEC may apply for an extension.
- It is assumed that applicable public schools have been conducting water testing in order to comply with Public Chapter 977.
- While the proposed legislation may result in an increase in the frequency of testing, it is reasonably assumed that public schools will be able to utilize WIIN grant funds.
- Any increase in local expenditures associated with increased rates of remediation, due to increased testing frequency, is estimated to occur within the threshold of recurring expenditures identified in relation to Public Chapter 977; therefore, any increase in local expenditures is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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